

## **REMARKS**

**[0004]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-21 are presently pending. Claims amended herein are 1, 10, 17, 18 and 20. Claims withdrawn or cancelled herein are none. New claims added herein are none.

### **Statement of Substance of Interview**

**[0005]** The Examiner graciously spoke with me—the undersigned representative for the Applicant—on May 23, 2007. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0006]** During the interview, the Examiners indicated that claims 10-16 were inadvertently omitted from the presented § 101 rejections.

**[0007]** During the interview, I discussed examples of how the claims differed from the cited art, namely Goodisman and a publication from Microsoft Corporation. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0008]** The Examiner was receptive to the proposals, and I understood the Examiners to indicate that they thought that there was a distinction in the application from the reference. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested a written response.

**[0009]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

**Formal Request for an Interview**

**[0010]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0011]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

**37 CFR 1.131 Declaration regarding Prior Invention**

**[0012]** Applicant herewith submits a declaration under 37 CFR 1.131 and accompanying redacted Patent Pre-disclosure Document indicating the fact that the inventor conceived of and reduced the subject matter of the instant application to practice before the effective date of the reference *Introduction to Windows Peer-to-Peer Networking*, Microsoft publication, (2003), (hereinafter IWP2P). The claims are supported by this document as it was prepared before the date of the disclosure meeting. The date that the pre-disclosure document was prepared is supported by the redacted Administrative Summary indicating the actual date of the disclosure meeting.

**[0013]** Evidence generated in the normal course of business showing why this declaration was not submitted sooner includes a copy of a letter from counsel to the inventor indicating difficulty in reaching the inventor after the inventor indicated he was able and willing to execute the 1.131 declaration. Additional such evidence also included is copies of the airbills which document the dates that the declaration was sent to and received from the inventor.

**[0014]** Therefore, Applicant respectfully requests that IWP2P be removed because it is not qualified as prior art. Applicant further asserts that the claims are allowable and requests that the case be passed along to issuance.

### **Claim Amendments and Additions**

**[0015]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 10, 17, 18 and 20 herein. Applicant amends claims in accordance with our telephone discussion with the Examiner. Such amendments are made to expedite prosecution and quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to cited art.

### **Substantive Matters**

#### **Claim Rejections under § 101**

**[0016]** Claims 17-19 are rejected under 35 U.S.C. § 101. During the telephone discussion on May 23, 2007, Examiners Hassan and Lo indicated that claims 10-16 should also have been rejected under 35 U.S.C. 101. Applicant appreciates the Examiners' candor regarding this oversight. In light of the amendments presented herein, Applicant respectfully submits that all claims comply with the patentability requirements of § 101. The Applicant further asserts that these claims are allowable.

**[0017]** If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

### Claim Rejections under §103

**[0018]** Claims 1-21 are rejected under 35 U.S.C. § 103. In light of the disqualification of the reference, the amendments presented herein, the reasoning presented in the response filed August 13, 2007, and the discussion during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, the Applicant respectfully asks the Examiner to withdraw the rejections of these claims.

### Conclusion

**[0019]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact me before issuing a subsequent Action. Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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